IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.6744 OF 2006

Ravi Kishanchand Seth,
Age 55 years, Occ: Business,
AR KAY Enterprise, 645,
Jagannath Shankar Seth Road,
Near Metro Cinema, Dhobitalao,
Mumbai-400 002. .... Petitioner

- Versus -

1. The Trustees of Parsi Panchayat
   Funds & Properties
2. Mr. Minoo R. Shroff
3. Mrs. Silloo K. Kavarana
4. Mr. Dinshaw R. Mehta
5. Mr. Dadi B. Engineer
6. Mr. Dinshaw K. Tamboly
7. Mr. Maneck H. Engineer
8. Mr. Burjor H. Antia
All adults being the present
Trustees of the Parsi Panchayat
Funds & Properties having their
office at 209, Dr. D.N. Road,
Fort, Mumbai-400 001.
9. Mrs. Nilofer J. Elavia
   Garage No.4, Cooper Chawl,
   Off: Princess Street,
   Mumbai-400 002 and residing
   at 604-E, Wadia Building,
   3rd Floor, Princess Street,
   Mumbai-400 002, now residing
   at G-4, Veer Ashoka Co-op.
   Housing Society Ltd.,
   119/120, Culla Nagar,
   Pune-411 040. .... Respondents

Shri G.S. Godbole i/b M/s. N.N. Vaishnawa
& Co. for the Petitioner.
Shri P.S. Dani for the Respondent Nos.1
to 8.

CORAM: R.M.S. KHANDEPARKAR, J.
DATED: DECEMBER 15, 2006

ORAL JUDGMENT:

Heard. Rule. By consent, rule made returnable forthwith. It is not necessary to deal with the points

sought to be raised in the matter and leaving all the issues open, by consent, the impugned order is hereby set aside and the matter is remanded to the lower Appellate Authority to dispose of the Appeal No.350 of 2006 on merits in accordance with the provisions of law and after hearing the parties. It is made specifically clear that this Court has not expressed any opinion on any of the points sought to be raised and all the issues are kept open for the appropriate decision by the lower Appellate Authority. Considering the fact that the matter relates to the civil suit of the year 1990, the lower Appellate Authority is expected to dispose of the Appeal as expeditiously as possible and in any case on or before 30-6-2007. Needless to say that till the disposal of the Appeal and in case the decision happens to be adverse to the petitioner herein, the execution of the impugned decree and the order which may be passed in the Appeal shall remain suspended for a period of thirty days beyond the disposal of the Appeal and meanwhile, the petitioner shall not create any third party interest nor shall induct any third party in the suit premises. The rule is made absolute accordingly with no order as to costs.

(R.M.S. Khandeparkar, J.)

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